

Statement on the Record

December 18, 2007

New York, NY

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1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK

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4 SECURITIES AND EXCHANGE
5 COMMISSION,

6 Plaintiff,

7 ECF Case (PKC)

8 -vs-

Case No. 07-CV-6146

9 THEODORE ROXFORD, a/k/a
10 LAWRENCE DAVID NIREN and
11 HOLLINGSWORTH, ROTHWELL &
12 ROXFORD,

13 Defendants.

14 ----- X

15 Tuesday, December 18, 2007

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17 PROCEEDINGS, taken pursuant to Notice,
18 held at the offices of the SECURITIES & EXCHANGE
19 COMMISSION, 3 World Financial Center, New York,
20 New York, 10281, on Tuesday, December 18, 2007, at
21 10:00 a.m. before JEANNETTE MCCORMICK, a Certified
22 Shorthand Reporter, License No. XI00920, and a
23 Notary Public.

24 Certified Copy
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1 A P P E A R A N C E S:

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4 UNITED STATES SECURITIES AND EXCHANGE COMMISSION

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6 Attorneys for Plaintiff

7 BY: SARAH L. LEVINE, ESQ.

8 Assistant Chief Litigation Counsel

9 Division of Enforcement

10 100 F Street, N.E.

11 Washington, D.C. 20549-4030

12 (202) 551-4511 (Telephone)

13 (202) 772-9245 (Fax)

14 levinesa@sec.gov

15 -and-

16 PAMELA NOLAN, ESQ.

17 (Senior Counsel)

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23 ALSO PRESENT:

24 HENRY MARTE (Videographer)

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1 I N D E X

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4 E X H I B I T S

5

6 NUMBER DESCRIPTION PAGE

7 1 Notice of Deposition 5

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1 THE VIDEOGRAPHER: This begins tape
2 number one in the videotaped deposition of
3 Holingsworth Rothwell & Roxford on Tuesday,
4 December 18, 2007, in the matter of
5 Securities & Exchange Commission, plaintiff,
6 versus Theodore Roxford and Holingsworth,
7 Rothwell & Roxford, defendants, in the United
8 States District Court, for the Southern
9 District of New York, Index Number
10 07-CV-6146.

11 These proceedings are being held at the
12 Securities & Exchange Commission, located at
13 3 World Financial Center, New York, New York.

14 The time on the video monitor is now
15 10:14 a.m.

16 My name is Henry Marte. I will be the
17 legal video specialist on behalf of Alderson
18 Court Reporters. The Certified Court
19 Reporter is Jeannette McCormick, also on
20 behalf of Alderson Court Reporting that is
21 located at 600 Fifth Avenue, New York,
22 New York.

23 Will counsel for the SEC please
24 introduce themselves.

25 MS. LEVINE: I am Sarah Levine.

1 MS. NOLAN: Pamela Nolan.

2 THE VIDEOGRAPHER: Thank you. At this
3 time we are going off the record, but first
4 the attorney is going to make a brief
5 statement.

6 MS. LEVINE: No witness has appeared
7 pursuant to the Deposition Notice. We are
8 going to go off the record to provide more
9 time.

10 THE VIDEOGRAPHER: The time is 10:14
11 a.m. We are going off the record.

12 (Recess from 10:14 to 10:45.)

13 THE VIDEOGRAPHER: The time is 10:45
14 a.m. We are back on the record.

15 MS. LEVINE: I'd like to mark in as
16 Exhibit 1 the Notice of Deposition
17 designating today at the SEC offices in New
18 York at 10:00 a.m. as the time for the
19 deposition.

20 (Whereupon, Plaintiff's Deposition
21 Exhibit No. SEC 1 was marked
22 for Identification.)

23 MS. LEVINE: No witness has appeared to
24 participate. I am going to go off the record
25 and give the witness additional time to show

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1 up.

2 THE VIDEOGRAPHER: The time is
3 10:46 a.m. We are going off the record.

4 (Recess from 10:46 to 11:31.)

5 THE VIDEOGRAPHER: The time is 11:31
6 a.m. We are back on the record.

7 MS. LEVINE: We waited an hour and a
8 half. No witness has appeared. We are going
9 to adjourn this deposition with the intention
10 to continue it at a later time.

11 THE VIDEOGRAPHER: This completes
12 today's deposition to be adjourned until a
13 later time. The time is 11:31. We are going
14 off the record.

15 (Proceedings adjourned at 11:31 a.m.)

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